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MARTIN MARIETTA ENERGY SYSTEMS, INC.

POST OFFICE BOX 2003
OAK RIDGE, TENNESSEE 37831-7134

May 30, 1990

90.1061
Marianne M. Heiskell
K-25 Site Manager
Department of Energy, Oak Ridge Operations
Post Office Box 2003
Oak Ridge, Tennessee 37831-7468

Dear Ms. Heiskell:

8-1.1.8
90:80107
K-25 Plant Firing Range Located at the Y-12 Plant on Bear Creek Road - Notice of Violation -
Tennessee Hazardous Waste Management Act

In response to the letter from Jacqueline Okoreeh-Baah dated May 17, 1990, please sign and forward the enclosed letter to the Tennessee Department of Health and Environment. The enclosed letter and associated material have been reviewed and approved by personnel of the K-25 Site Office, Department of Energy (DOE) Legal Counsel, and DOE Environmental Protection Division.

If you have questions or require additional information, please contact G. E. Butterworth, III, at extension 4-8222.

Sincerely,

W. R. Golliher
for W. R. Golliher, Manager
Oak Ridge Gaseous Diffusion Plant

APPROVAL FOR RELEASE

WRG:GEButterworth:scb

Enclosure

cc: C. C. Hill
R. E. Frounfelker (DOE)
J. R. Merriman
T. P. A. Perry
File - MLJ/WRG

#767
cc/enc: G. E. Butterworth, III - RC
J. L. Davis
P. J. Gross (DOE)
A. G. Hodgson

Document: # Unnumbered; Date 5/30/90;
Title/Subject Ltr., WR Golliher to MM Heiskell (DOE-OKO), K-25 Plant Firing Range Located at the Y-12 Plant on Bear Creek Road . . . w/ enclosure
Approval for unrestricted release of this document is authorized by the Oak Ridge K-25 Site Classification and Information Control Office, Martin Marietta Energy Systems, Inc., PO Box 2003, Oak Ridge, TN 37831-7307.
Kevin S. Frounfelker
K-25 Classification & Information Control Officer
1/26/93
Date

M. E. Mitchell
C. H. Peterson
H. D. Whitehead, Jr.
L. F. Willis

ENCLOSURE

DEPARTMENT OF ENERGY LETTER TO THE TENNESSEE DEPARTMENT OF
HEALTH AND ENVIRONMENT AND ASSOCIATED MATERIAL



Department of Energy

Oak Ridge Operations
P.O. Box 2001
Oak Ridge, Tennessee 37831-7468

May 30, 1990

Mr. Tom Tiesler, Director
Division of Solid Waste Management
Tennessee Department of Health and Environment
4th Floor, Customs House, 701 Broadway
Nashville, Tennessee 37219-5403

Dear Mr. Tiesler:

K-25 PLANT FIRING RANGE LOCATED AT THE Y-12 PLANT ON BEAR CREEK ROAD - NOTICE OF VIOLATION - TENNESSEE HAZARDOUS WASTE MANAGEMENT ACT

The following is the response of the Department of Energy (DOE) (including background analysis) to the Notice of Violation (NOV) issued for the Firing Range on May 17, 1990, from a member of your staff to M. M. Heiskell and W. R. Golliher entitled "K-25 Plant Firing Range Located at the Y-12 Plant on Bear Creek Road, NOTICE OF VIOLATION, Tennessee Hazardous Waste Management Act."

The Firing Range is located at the Central Training Facility (CTF), which is a DOE facility, located near the Oak Ridge Gaseous Diffusion Plant (ORGDP). The ORGDP provides the CTF with health, safety, and environmental oversight and support, as well as maintenance and plant protection support.

The five specific violations listed in the May 17, 1990, NOV letter are essentially those environmental noncompliances that Martin Marietta Energy Systems, Inc., and DOE communicated to Earl Leming in April 1990, after review of hazardous waste characterization data and the operations of the Firing Range facility. Our determination that noncompliances had occurred was based on viewing the operations at the CTF as though it was a hazardous waste generator at the ORGDP. This was a preliminary determination that was not based upon thorough assessment of the CTF. It is now our conclusion that the CTF is a conditionally exempt small quantity generator. This conclusion is based upon analysis of the CTF activities and the Tennessee Department of Health and Environment regulations provided by Energy Systems, which is enclosed with this response (Attachment 1).

Tom Tiesler

2

May 30, 1990

As discussed more fully in Attachment 1, the CTF waste generation levels are well within those specified by the Tennessee hazardous waste regulations for conditionally exempt small quantity generators, and all activities at the CTF have been, and are, in compliance with the regulations applicable to conditionally exempt small quantity generators.

We therefore, respectfully request that the May 17, 1990, NOV for the ORGDP Firing Range be rescinded or that a hearing be granted on the issues raised by the NOV.

If you have questions or require additional information in response to the subject NOV, please feel free to contact this office at (615) 576-2990, or Nancy Carnes, Office of Chief Counsel at (615) 576-1203.

Sincerely,

Marianne M. Heiskell
K-25 Site Manager

MMH:GEButterworth:scb

Enclosure

cc/enc: W. R. Golliher (K-25 Site)
P. J. Gross (DOE/EPD)
G. E. Butterworth, III (K-25 Site)
E. Leming (TDHE)
J. Okoreeh-Baah (TDHE)
File - MMH - RC



Department of Energy

Oak Ridge Operations
P.O. Box 2001
Oak Ridge, Tennessee 37831-7468

cc: Gale
END Files

sub 6-4-90

May 30, 1990

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Division of Solid Waste Management
Tennessee Department of Health and Environment
4th Floor, Customs House, 701 Broadway
Nashville, Tennessee 37219-5403

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Tom Tiesler

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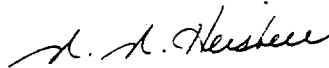
May 30, 1990

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Sincerely,



Marianne M. Heiskell
K-25 Site Manager

MMH:GEButterworth:scb

Enclosure

cc/enc: W. R. Golliher (K-25 Site)
P. J. Gross (DOE/EPD)
G. E. Butterworth, III (K-25 Site)
E. Leming (TDHE)
J. Okoreeh-Baah (TDHE)
File - MMH - RC

ATTACHMENT 1

ENVIRONMENTAL REGULATORY ASSESSMENT OF THE CENTRAL
TRAINING FACILITY WITH RESPECT TO THE TENNESSEE
HAZARDOUS WASTE REGULATIONS

ENVIRONMENTAL REGULATORY ASSESSMENT OF THE CENTRAL TRAINING FACILITY WITH RESPECT TO THE TENNESSEE HAZARDOUS WASTE REGULATIONS

1.0 INTRODUCTION

The following is an assessment of what the Tennessee Department of Health and Environment (TDHE) regulatory requirements should be for the Central Training Facility (CTF), which is located at the intersection of Bear Creek Road and Flannagan Loop Road, as shown on the attached map. The CTF is a Department of Energy (DOE) facility located near the Oak Ridge Gaseous Diffusion Plant (ORGDP). The ORGDP provides health, safety, and environmental oversight and maintenance support to this facility. The purpose of this assessment is to determine whether the hazardous waste noncompliances declared in April 1990 were appropriate. The preliminary noncompliances resulted from characterizing the floor sweepings as a hazardous waste on the basis of lead concentrations above the Extraction Procedure (EP) toxicity limits when tested using the EP Toxicity test protocols.

2.0 DESCRIPTION OF CENTRAL TRAINING FACILITY

The K-1654 CTF is the DOE, Oak Ridge Operations, facility used by security guards during training and qualifying. The facility consists of an office complex, training class rooms, indoor and outdoor weapons firing ranges, weapons cleaning building, tear gas training facility, and various storage buildings. The training facility is located approximately nine miles west of the Y-12 Plant on Bear Creek Road and approximately two miles south of the ORGDP as shown in Figure 1. DOE has granted public access along the western portion of Bear Creek Road, because two commercial facilities are located west of the CTF and the city of Oak Ridge has use of a portion of the land east of the CTF.

As shown in the CTF layout of Figure 2, a perimeter, chain-link fence topped with three strands of barbed wire limits access to the training facility. The entrance is controlled by a bar gate located off Bear Creek Road. All visitors are required to check into the main office, and a signed register is maintained. Several outdoor ranges located at the CTF are used by the security guards (Figure 2). The outdoor ranges at the CTF are the machine gun sight-in, skeet, pistol, rifle/shotgun/machine gun, armored vehicle, 300-yard rifle, live fire house and stress course, and live fire pop-up targets tactical ranges.

The live fire house and stress course range is designed to train the security inspectors in the proper procedures to patrol a building. The range is constructed of stacked tires filled with sand to capture any spent bullets. Any spent bullets are removed, containerized, and sold as surplus material. The live fire pop-up targets tactical range is located in a wooded section of the range and any spent bullets are captured in either earthen embankments or in wooded areas. The spent bullets from the outdoor ranges routinely are not removed from the earthen embankments or the wooded areas.

2.0 DESCRIPTION OF CENTRAL TRAINING FACILITY (continued)

Each of the ranges is operated safely, and the procedures outlined by the DOE orders and the military are followed. All ranges are controlled by limiting the access of unauthorized personnel with bar gates. These gates are located in areas that isolate the ranges during use.

The gas training facility is used to train the guards in procedures on how to use tear gas and in the proper use of respirators. All spent tear gas cartridges are placed in dumpsters for disposal in the Y-12 landfill. Any unused or out-of-date tear gas cartridges are disposed of at off-site facilities.

The K-1654-A Indoor Range consists of six ranges for training and qualifying of the security guards. Approximately three hours each day, the indoor range is used for these purposes. An exhaust system is constructed to draw fresh air from behind the guards, down the range, and out of the building. Any contaminated air is exhausted to the northwest section of the training facility. The building is constructed of concrete block with a concrete floor. The range is routinely swept to remove any debris, such as dirt, spent powder, paper wadding, and lead materials. In the past, these sweepings were collected and placed in the dumpster along with other solid waste. The contents of these dumpsters were disposed of in the Y-12 permitted landfill.

Currently, these floor sweepings are being containerized and transported to a storage unit at the ORGDP prior to disposal by an off-site commercial disposer. These floor sweepings have been collected and containerized since October 1989 when they were thought to contain lead materials. The floor sweepings were analyzed by using the EP Toxicity procedure and found to contain lead at a concentration as much as 610 ppm in the leachate, which is greater than the EP Toxicity limit of 5 ppm for lead. The results of the EP Toxicity analyses of targets that had been fired into by various types of weapons (<0.004 to 0.014 ppm lead) indicated that the paper targets do not fail the EP Toxicity test for lead. No other hazardous wastes (including acute hazardous wastes) are generated by this facility.

The spent bullets fired in the indoor range are captured in the unit designed for this purpose. They are periodically removed and sold through the surplus material sales to metal reclaimers.

The weapons cleaning facility uses commercially available cleaning fluids for removing grit, grime, and grease from the weapons after their firing during training periods. Small pieces of textile materials (rags, cotton wipes, etc.) are used during the cleaning process. The spent solvent-laden rags are laundered at the ORGDP Laundry and returned to the cleaning facility for reuse. The solvent-laden wipes are containerized for transporting to a storage unit at the ORGDP. These will eventually be disposed of by a commercial disposal facility off-site.

3.0 EVALUATIONS

3.1 Facility Location

The first analysis focuses on whether the CTF is considered as a specific site or part of another site with respect to whether the CTF can use the installation identification number for that site. The installation identification number is defined as "the number assigned to each generator, transporter, and treatment, storage, or disposal facility by the Department or EPA" (Tennessee [TN] Rule 1200-1-11-.01(2)(a)). TN Rule 1200-1-11-.01(2)(a) includes the definition of facility, which is as follows:

"'Facility' means all contiguous land, and structures, other appurtenances, and improvements on the land, used for treating, storing, or disposing of hazardous waste. A facility may consist of several treatment, storage, or disposal operational units (e.g., one or more landfills, surface impoundments, or combinations of them)."

The TN Rule defines an individual generation site as follows:

"'Individual generation site' means the contiguous site at or on which one or more hazardous wastes are generated. An individual generation site, such as a large manufacturing plant, may have one or more sources of hazardous waste but is considered a single or individual generation site if the site or property is contiguous."

The TN Rule also defines a generator as follows:

"'Generator' means any person, by site, whose act or process produces hazardous waste identified or listed in Rule 1200-1-11-.02 or whose act first causes a hazardous waste to become subject to regulation."

The TN Rule also defines on-site as follows:

"'On-site' means the same or geographically contiguous property which may be divided by public or private right-of-way, provided the entrance and exit between the properties is at a cross-roads intersection, and access is by crossing as opposed to going along, the right-of-way. Non-contiguous properties owned by the same person but connected by a right-of-way which he controls and to which the public does not have access, is also considered on-site property."

The Webster's Ninth New Collegiate Dictionary defines contiguous as follows:

"contiguous: 1: being in actual contact : touching along a boundary or at a point; 2: *of angles* ADJACENT; 3: next or near in time or sequence; 4: touching or connected throughout in an unbroken sequence"

3.1 Facility Location (continued)

Based on the above definitions included in the TN Rule 1200-1-11-.01, the CTF would be considered an "individual generation site," because it is not located on property contiguous with the ORGDP property (installation identification number TN0890090004) nor the Y-12 site property (installation identification number TN3890090001) due to the presence of Bear Creek Road that is west of TN Highway 95, TN Highway 58, and TN Highway 95. Since these roads have public access, the CTF cannot be considered on-site, as defined above, for either ORGDP or Y-12. There is another hazardous waste installation with a separate installation identification number located between TN Highway 58 and Bear Creek Road, west of TN Highway 95. This installation is the Y-12 Transportation Safeguard Division (TSD) Facility, which has the installation identification number of TN4891800001. This facility is separated from the CTF by a ridge and Bear Creek Road, west of TN Highway 95. DOE has granted the public the right-of-way to this section of Bear Creek Road to allow access to commercial industries on Bear Creek Road, such as International Technology (IT) Corporation and Scientific Ecology Group, Inc. (SEG). The entrance and exits between the TSD Facility and the CTF are not at a cross-roads intersection, thus the facilities should be treated as being on separate sites.

By this analysis, the CTF should be treated as a separate hazardous waste generator and not considered as part of either the ORGDP, the TSD Facility, or the Y-12 site. Therefore, further regulatory assessments should be based on the CTF separately and the types and amounts of hazardous wastes generated.

3.2 Hazardous Waste Generator Classification

The hazardous wastes generated at the CTF consist of the floor sweepings and solvent-laden rags, wipes, and cotton tips used in cleaning the weapons as discussed in Section 2.0. The monthly generation rate of these hazardous wastes is approximately 5 to 10 pounds of floor sweepings and 10 to 20 pounds of solvent-laden rags, wipes, and cotton tips. The total monthly generation rate, approximately 30 pounds (14 kilograms) is much less than 100 kilograms, thus making the CTF a conditionally exempt small quantity generator. TN Rule 1200-1-11-.02(1)(e)1 defines a conditionally exempt small quantity generator as follows:

"A generator is a conditionally exempt small quantity generator in a calendar month if he generates no more than 100 kilograms of hazardous waste in that month."

Therefore, the TN Rules applicable to a conditionally exempt small quantity generator should be applied to the CTF.

3.3 Hazardous Waste Generator Requirements

The requirements for the CTF are those specified in the TN rules for conditionally exempt small quantity generators, TN Rule 1200-1-11-.02(1)(e), "Special Requirements For Hazardous Waste Generated By Conditionally Exempt Small Quantity Generators." The hazardous wastes

3.3 Hazardous Waste Generator Requirements (continued)

that are exempt from regulation under TN Rule Chapter 1200-1-11 are specified in TN Rule 1200-1-11-.02(1)(e)2, which states the following:

"Except for those wastes identified in parts 5, 6, and 7 of this subparagraph, and except as specified in part 10 of this subparagraph, a conditionally exempt small quantity generator's hazardous wastes are not subject to regulation under this Rule Chapter (1200-1-11), provided the generator complies with the requirements of parts 6 and 7 of this subparagraph."

Parts 5 and 6 are applicable only to generators of acute hazardous wastes. As discussed in Section 2.0, the CTF does not generate acute hazardous wastes. Therefore, parts 5 and 6 are not applicable to the CTF. Part 7 deals with hazardous wastes generated by conditionally exempt small quantity generators in quantities of less than 100 kilograms of hazardous waste during a calendar month. This part (part 7) is applicable to the CTF hazardous wastes. Part 10 is applicable to small quantity generators who generate more than 100 kilograms of hazardous waste in a calendar month, more than 1000 kilograms of hazardous waste in a calendar year, or acute hazardous wastes. As discussed in Section 2.0, the CTF does not generate acute hazardous wastes, does not generate more than 100 kilograms of hazardous wastes during a calendar month, and does not generate more than 1000 kilograms of hazardous wastes during a calendar year. Therefore, the annual reporting requirements of TN Rule 1200-1-11-.02(1)(e)10 do not apply to the CTF.

On the basis of the requirements stated in TN Rule 1200-1-11-.02(1)(e)2, only part 7 is applicable to the CTF. TN Rule 1200-1-11-.02(1)(e)7 states "In order for hazardous waste generated by a conditionally exempt small quantity generator in quantities of less than 100 kilograms of hazardous waste during a calendar month to be excluded under this subparagraph from full regulation, the generator must comply with the following requirements:

- (i) The conditionally exempt small quantity generator must perform the hazardous waste determination of Rule 1200-1-11-.03(1)(b) and keep records thereof as required by Rule 1200-1-11-.03(5)(a)3.
- (ii) The conditionally exempt small quantity generator may accumulate hazardous wastes on-site. If he accumulates at any time more than a total of 1000 kilograms of his hazardous wastes, all of those accumulated wastes are subject to regulation under the special provisions of Rule 1200-1-11-.03 applicable to generators of between 100 kg and 1000 kg of hazardous waste in a calendar month as well as the requirements of Rules 1200-1-11-.04 through 1200-1-11-.10. The time period of Rule 1200-1-11-.03(4)(e)5 for accumulation of wastes on-site begins for a conditionally exempt small quantity generator when the accumulated wastes exceed 1000 kilograms;

3.3 Hazardous Waste Generator Requirements (continued)

- (iii) A conditionally exempt small quantity generator may either treat or dispose of his hazardous waste in an on-site facility, or ensure delivery to an off-site storage, treatment, or disposal facility, either of which is:
 - (I) In this state and permitted under Rule 1200-1-11-.07;
 - (II) In this state and in interim status under Rules 1200-1-11-.07 and 1200-1-11-.05;
 - (III) In another state and authorized to manage hazardous waste by EPA or that State ...;
 - (IV) In this state and permitted by the Commissioner or Board to manage waste under regulations promulgated pursuant to TCA 68-31-101 et seq. (the Tennessee Solid Waste Disposal Control Act, as amended);
 - (V) In another state and permitted, licensed, or registered by that State to manage municipal or industrial waste; or
 - (VI) A facility which:
 - I. Beneficially uses or reuses ...; or
 - II. Treats his waste prior to it being managed as set forth in subitem I of this item."

As discussed in Section 2.0, the CTF does recover the lead bullets from the shooting traps and sells the material as scrap metal for recycle. This waste is excluded from the regulations of TN Rule Chapter 1200-1-11 as indicated in TN Rule 1200-1-11-.02(f)1(iii).

3.4 Compliance With Hazardous Waste Generator Requirements

As discussed in Section 3.2, the CTF does qualify as a conditionally exempt small quantity generator. The purpose of the following paragraphs is to determine whether the CTF complies with the conditionally exempt small quantity generator requirements discussed in Section 3.3, thus excluding the CTF hazardous wastes from full regulation under TN Rule Chapter 1200-1-11.

TN Rule 1200-1-11-.02(1)(e)7(i) requires that the generator perform a hazardous waste determination in accordance with Rule 1200-1-11-.03(1)(b) and that the generator keep records of the results in accordance with Rule 1200-1-11-.03(5)(a)3. Once the floor sweepings were

3.4 Compliance With Hazardous Waste Generator Requirements (continued)

suspected of potentially containing lead and might be a characteristic hazardous waste, the practice of placing them in dumpsters was discontinued and the material placed in a drum at the indoor firing range. The material was then sampled and analyzed to determine if the waste was hazardous. The waste was determined to be characteristic hazardous because the EP Toxicity limit for lead was exceeded, thus making it a D008 hazardous waste. The solvent rags and wipes were reviewed. On the basis of process knowledge of their use during cleaning of weapons and a review of the material safety data sheet for the solvent, it was determined that they should be handled as a hazardous waste. The information and records of the EP Toxicity test results are being maintained by the CTF staff and the K-25 Environmental Management Department. The CTF operations complied, and continue to comply, with the requirements stated in TN Rule 1200-1-11-.02(1)(e)7(i).

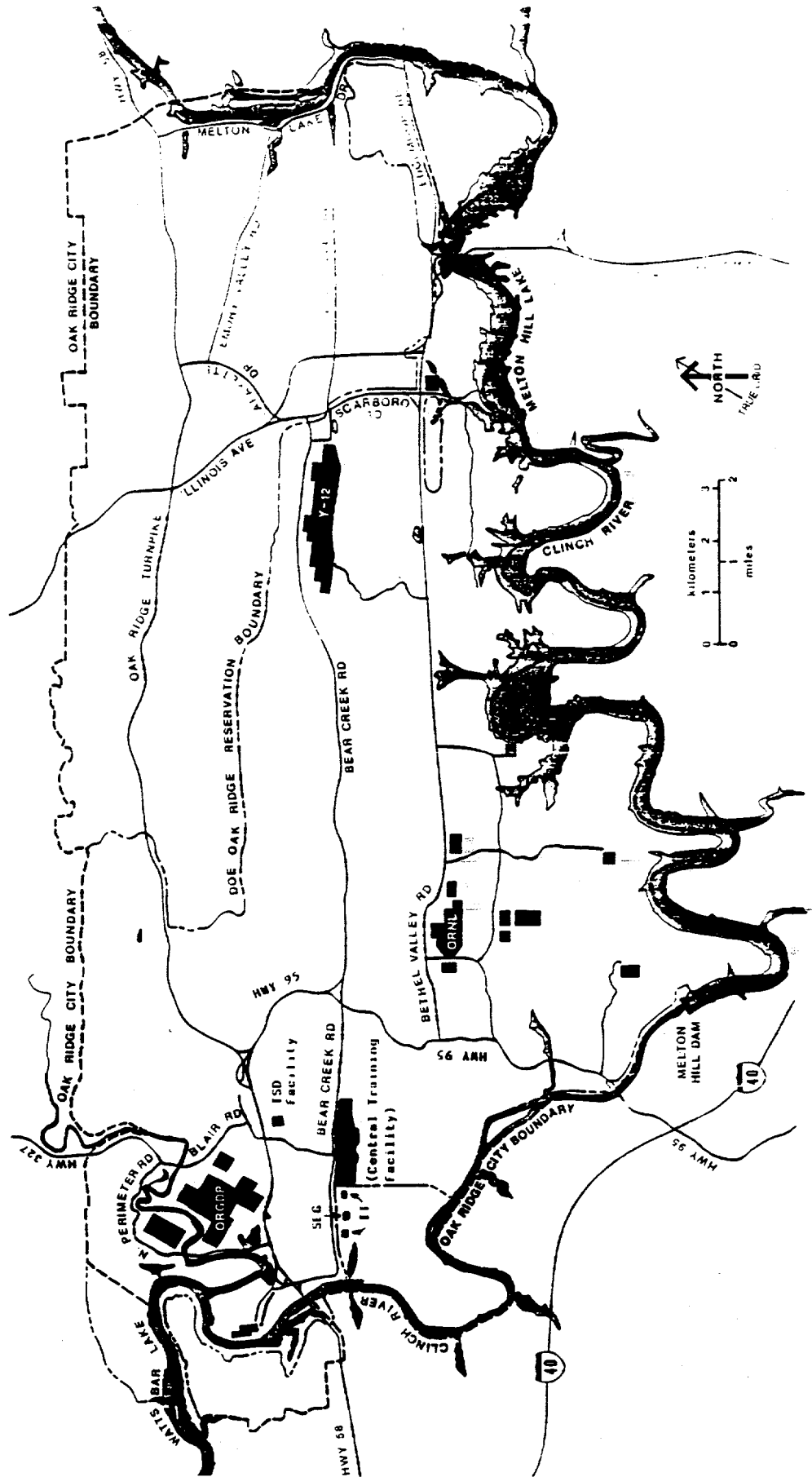
TN Rule 1200-1-11-.02(1)(e)7(ii) allows for the accumulation of hazardous wastes on-site and states additional requirements for when the total amount stored on-site exceeds 1000 kilograms. The total inventory of hazardous wastes stored at the CTF prior to October 1989 would be less than 10 to 20 pounds because the floor sweepings were placed in the dumpsters, which were emptied twice a week at the Y-12 Sanitary Landfill. After October 1989, the maximum amount of hazardous wastes stored on-site is limited to one 55-gallon drum of floor sweepings and one 30-gallon container of solvent-laden wipes and cotton tips. The total weight of material accumulated on-site would be approximately 100 to 150 pounds (approximately 45 to 68 kilograms). This amount is much less than the allowable 1000 kilograms for on-site accumulation of hazardous wastes. The CTF operations complied, and continue to comply, with the requirements stated in TN Rule 1200-1-11-.02(1)(e)7(ii).

TN Rule 1200-1-11-.02(1)(e)7(iii) allows for the conditionally exempt small quantity generator to send his wastes to a hazardous waste treatment, storage, and disposal facility permitted by the state or is under interim status with the state, or to a sanitary/industrial landfill, which is permitted by the state, for disposal. This regulation does not require conditionally exempt small quantity generators to manifest their wastes when transporting to these facilities. Prior to October 1989, the floor sweepings (D008) were sent to the Y-12 Sanitary/Industrial Landfill, which does have a permit issued by the State of Tennessee, Registration Number 189. The Y-12 Sanitary/Industrial Landfill permit states "Activities Authorized: Disposal of solid wastes generated by U.S. DOE facilities and contractors in the Oak Ridge area by sanitary landfill." The permit does not allow the disposal of hazardous waste regulated under TN Rules. As a conditionally exempt small quantity generator, the hazardous wastes from the CTF are not regulated as a hazardous waste under TN Rules if the conditions of TN Rule 1200-1-11-.02(1)(e) are met. After October 1989, the floor sweepings were drummed, and the filled drums transported to the ORGDP for storage and eventual disposal. The solvent-laden rags, wipes, and cotton tips are drummed and sent to the ORGDP for laundry or storage for future disposal. The CTF operations complied, and continue to comply, with the requirements stated in TN Rule 1200-1-11-.02(1)(e)7(iii).

4.0 CONCLUSIONS

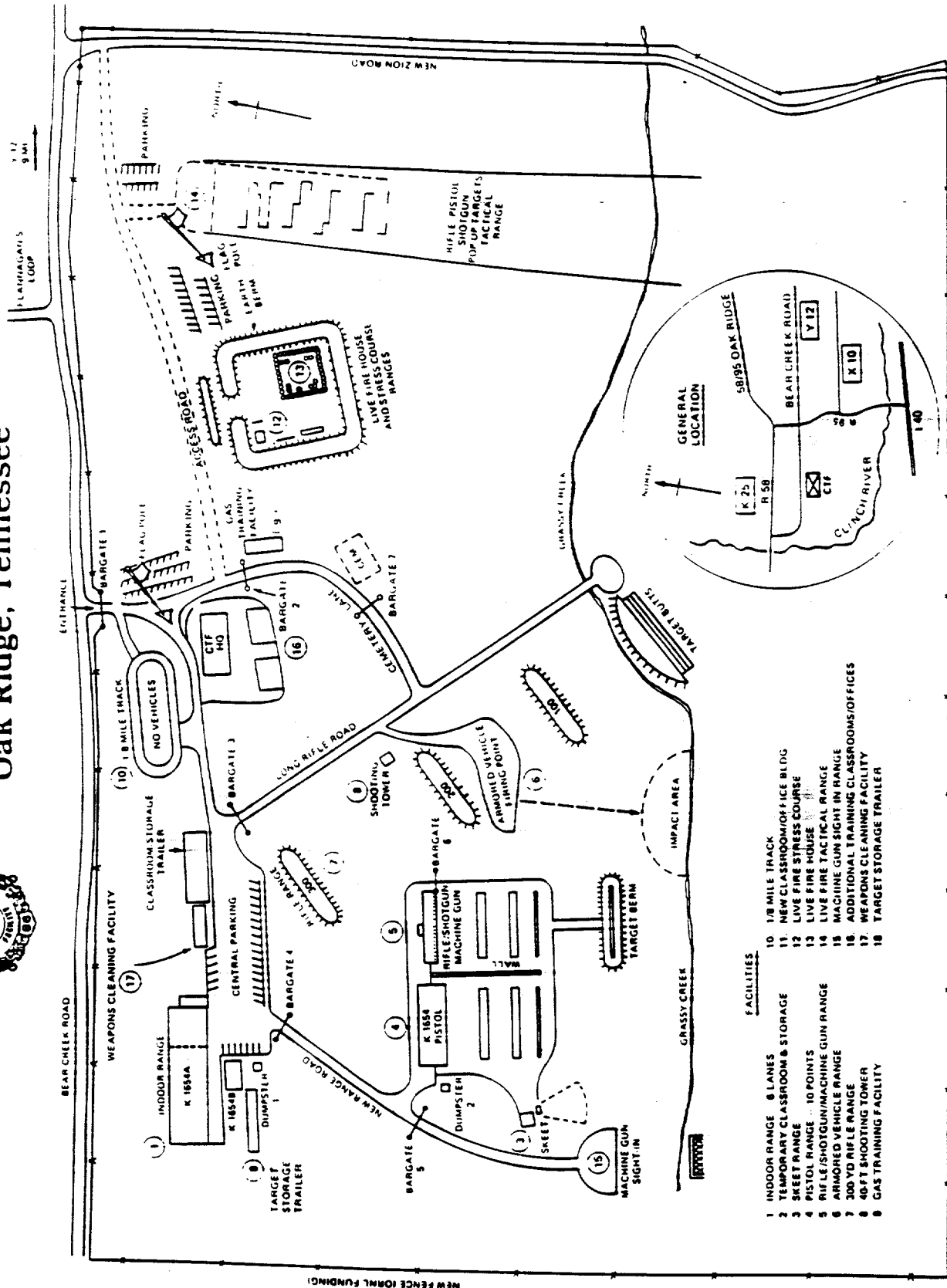
The CTF is a separate hazardous waste generator located on the Oak Ridge Reservation and should be evaluated separately from the ORGDP, Y-12, and TSD facilities. On the basis of the amounts of hazardous wastes generated by the CTF, the facility is a conditionally exempt small quantity generator and not subject to compliance with all the regulations applicable to a hazardous waste generator under TN Rule Chapter 1200-1-11. The CTF complied, and continues to comply, with the requirements specified in TN Rule 1200-1-11-.02(1)(e), and the wastes are therefore excluded from full regulation in accordance with TN Rule 1200-1-11.02(1)(e)7. As a Martin Marietta Energy Systems, Inc., Best Management Practice for dealing with lead-contaminated wastes, the floor sweepings will not be allowed to be sent to the Y-12 Sanitary/Industrial Landfill for disposal. Instead, the waste will be shipped to the ORGDP for storage and eventual disposal as a hazardous waste.

On the basis of this review, the CTF noncompliances cited by the K-25 Environmental Management Department in April 1990 were not appropriate. The CTF operations were being conducted at the time in compliance with the regulations applicable to the CTF, not those of the ORGDP.





Central Training Facility Oak Ridge, Tennessee



FACILITIES

1. INDOOR RANGE - 8 LANES
2. TEMPORARY CLASSROOM & STORAGE
3. PISTOL RANGE
4. RIFLE/SHOTGUN/MACHINE GUN RANGE
5. ARMORED VEHICLE RANGE
6. 300 YD RIFLE RANGE
7. 40 YD SHOOTING TOWER
8. GAS TRAINING FACILITY
9. WEAPONS CLEANING FACILITY
10. 1/8 MILE TRACK
11. NEW CLASSROOM/OFFICE BLDG
12. LIVE FIRE STRESS COURSE
13. LIVE FIRE HOUSE
14. LIVE FIRE TACTICAL RANGE
15. MACHINE GUN SIGHT IN RANGE
16. ADDITIONAL TRAINING FACILITY
17. WEAPONS CLEANING FACILITY
18. TARGET STORAGE TRAILER

cc: *Gale*
EMO Files

sol-6-6-90

ENVIRONMENTAL MANAGEMENT

MARTIN MARIETTA ENERGY SYSTEMS, INC.

POST OFFICE BOX 2009
OAK RIDGE, TENNESSEE 37831-8014
(615) 574-8386

1990 JUN -6 PM 5:33

LELAND F. WILLIS
ASSISTANT GENERAL COUNSEL

May 30, 1990

VIA EXPRESS

Mr. Tom Tiesler, Director
Division of Solid Waste Management
Tennessee Department of Health and Environment
4th Floor, Customs House
701 Broadway
Nashville, Tennessee 37219-5403

RE: NOTICE OF VIOLATION - K-25 Plant Firing Range located at
the Y-12 Plant on Bear Creek Road
DATED MAY 24, 1990

Dear Mr. Tiesler:

This is Martin Marietta Energy Systems' (Energy Systems) reply to Tennessee Department of Health and Environment's (TDHE) "Notice of Violation" (NOV) dated May 24, 1990, relative to a firing range located on west Bear Creek Road commonly known as the "CENTRAL TRAINING FACILITY" (CTF). The NOV was addressed to both Marianne Heiskell of the Department of Energy (DOE) and to Waldo Golliher of Martin Marietta Energy Systems, Inc.

Energy Systems is neither an "owner nor an operator" with respect to CTF, as those terms are defined in Rule 1200-1-11-.01(2)(a). DOE is both the "owner and operator" of the facility and as such is responsible for submitting a hazardous waste permit application should it be finally determined that the CTF is subject to hazardous waste permitting activities. The Y-12 Plant Part A RCRA Permit and the Oak Ridge Gaseous Diffusion Plant Part A RCRA Permit were both approved by TDHE with the DOE listed as the owner and operator of each facility and each permit was signed by a DOE official. The Part A RCRA permit for one of the facilities would have to be revised to include the CTF if the CTF can be categorized as a unit of either facility. It is our understanding however, that the facility is likely to be exempt from permitting as a conditional small-quantity generator. The DOE will be responding by separate correspondence to the NOV and will specifically address the exemption of the facility from hazardous waste permitting activities.

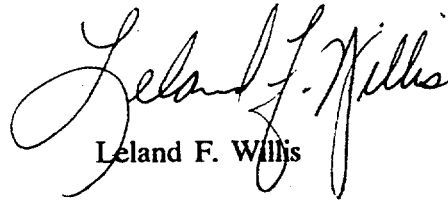
Mr. Tom Tiesler

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May 30, 1990

In conclusion, it is Energy Systems' position in this matter that it is not an "operator" since under the definition of "operator" Energy Systems is not "the person responsible for overall operation of the facility." [Rule 1200-1-11-.01(2)(a)] Energy Systems does not have the requisite control of the CTF facility to comply with the Tennessee Hazardous Waste Management Rules and therefore cannot be cited by TDHE for violations of the Rules.

Very truly yours,



Leland F. Willis

LFW:bdp

bcc: G. E. Butterworth III ✓
C. E. Carnahan/J. Peterson
N. Carnes, DOE-ORO OCC
W. R. Golliher
G. W. Horde
M. E. Mitchell
F. R. Mynatt
H. Postma
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